

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
(EASTERN DIVISION - RIVERSIDE)

MICHAEL GREEN,)	CASE NO: 5:24-cv-00050-SB-SP
)	
Plaintiff,)	CIVIL
)	
vs.)	Los Angeles, California
)	
JASON ANDERSON, ET AL,)	Friday, February 23, 2024
)	
Defendants.)	(9:43 a.m. to 9:51 a.m.)

EPA RE TRO [DKT.NO.15]

BEFORE THE HONORABLE STANLEY BLUMENFELD, JR.,
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For Plaintiff: MICHAEL L. MEYER, ESQ.
Haven Legal Solutions
410 Greenwood Avenue
San Bernardino, CA 92407

For Defendants: ELYSE S. OKADA, ESQ.
County of San Bernardino
Office of County Counsel
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Los Angeles, California; Friday, February 23, 2024; 9:43 a.m.

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THE CLERK: Counsel on *Green v. Anderson*.

Calling Item 6, Case Number 24-cv-50, Michael
Green v. Jason Anderson.

Counsel, your appearances, starting with Plaintiff.

MR. MEYER: Michael Green -- or Michael Meyer for
Michael Green.

MS. OKADA: Good morning, Your Honor. Elyse Okada
for Defendants, Jason Anderson and San Bernardino County.

THE COURT: Good morning. Let me hear first from
Mr. Meyer. And Mr. Meyer, the Court had issued an Order that
required the parties to meet and confer and file a joint status
report and I received a unilateral status report that
essentially suggested that you were missing in action.

MR. MEYER: It took me 48 hours to get here from
Three Gorges Dam in China, which involved a one-hour bus ride,
a four-hour train ride --

THE COURT: I don't need to hear anything further.
So you were out of the country and otherwise unable to respond.

MR. MEYER: I got here as quickly as I possibly
could.

THE COURT: Then there's nothing further for you to
address. That's totally understandable.

MR. MEYER: Thank you.

1 **THE COURT:** You did have an opportunity though, I
2 take it, to at least briefly discuss the issue that the Court
3 asked you to meet and confer about with Defense counsel?

4 **MR. MEYER:** I literally got off the plane, I haven't
5 had a chance to talk to her, but what they proposed is exactly
6 what we wanted.

7 **THE COURT:** All right. And so there's no issue with
8 regard to your clients refraining from engaging in any type of
9 cultivation or growing of marijuana or engaging in any other
10 type of similarly, from the Defense standpoint, illegal conduct
11 with these greenhouses?

12 **MR. MEYER:** Absolutely. My clients are conservative
13 Christians and people that have no interest whatsoever in
14 cannabis.

15 **THE COURT:** All right. And so I'm going to require
16 the parties to provide me with a stipulation. Is there any
17 reason why you can't get that to me even early next week? This
18 should be reasonably straightforward.

19 As I understand it, this is going to be a simple
20 agreement between the parties where the Plaintiff agrees that
21 they cannot use these greenhouses in any way, shape, or form to
22 cultivate or grow marijuana or any other controlled illicit
23 substance and in exchange the Defendants will not take any
24 action during the pendency of this litigation to destroy these
25 greenhouses. I mean I may not have stated it as well as the

1 parties will, but is that the sum and substance of it from your
2 standpoint, Counsel?

3 **MR. MEYER:** Absolutely, Your Honor. That is all
4 we're seeking.

5 **THE COURT:** All right. Let me hear from you,
6 Ms. Okada. Has the Court at least captured the substance of
7 what you have proposed?

8 **MS. OKADA:** Yes, Your Honor.

9 **THE COURT:** All right.

10 **MS. OKADA:** More specifically, we would request that
11 the Court will agree to not enter the property, not abate any
12 of the greenhouses until the motion -- our anticipated motion
13 to dismiss has been decided by the Court.

14 **THE COURT:** All right. So that your client will not
15 enter the property until....

16 **MS. OKADA:** The Sheriff's Department, the Code
17 Enforcement will not enter the property until the motion to
18 dismiss has been decided.

19 **THE COURT:** All right. And that sounds like the
20 parties have reached an agreement then but let me just make
21 sure for clarification. So you would agree or your clients are
22 going to agree not to enter the property until the Court has
23 decided that your client is permitted to do so legally.

24 **MS. OKADA:** Correct.

25 **THE COURT:** What I'm trying to avoid, and I don't

1 mean to be cryptic here, is let's say you lose the motion to
2 dismiss. I have no way of knowing. I haven't seen any papers.
3 But if you lose the motion to dismiss, we don't have to come
4 back and re-adjudicate this issue. Your client throughout the
5 pendency of this litigation until such time as it has the green
6 light effectively, whether it's by motion to dismiss, summary
7 judgment, or trial, they're not going to enter the property to
8 destroy these and demolish these buildings.

9 **MS. OKADA:** We will not stipulate to that. We
10 will -- we would like to revisit, if our motion to dismiss is
11 not granted, we would like to revisit a temporary stay and my
12 clients not entering the property. But at this point, not that
13 you have all the facts in front of you, but there is no -- this
14 has been going on for a long time with Plaintiff and the prior
15 owners of the property, so that is why my clients will not
16 agree to potentially stay until we decide -- or stay for much
17 longer. But they can agree to a temporary stay at least until
18 the motion to dismiss is decided.

19 **THE COURT:** All right. And so am I hearing you
20 correctly that you just don't have the authority to go beyond
21 what you've already proposed and what Plaintiff's counsel has
22 agreed to?

23 **MS. OKADA:** Correct.

24 **THE COURT:** All right. And do you have currently any
25 information to suggest that the current owners, the Plaintiffs,

1 are using these greenhouses for illicit purposes?

2 **MS. OKADA:** Yes, we do have some information on that.

3 **THE COURT:** All right. But you're satisfied that at
4 least with an agreement that they're not going to do so you'll
5 enter into this temporary preliminary injunction.

6 **MS. OKADA:** Correct. Yes.

7 **THE COURT:** All right. So I'm going to have the
8 parties submit that to the Court by no later than close of
9 business on Tuesday of next week, which is the 27th. That
10 seems like it should be something you could do even sooner than
11 that but let me make sure that neither side sees any problem
12 with that deadline.

13 Any problem from your standpoint, Ms. Okada?

14 **MS. OKADA:** No, no issues there.

15 **THE COURT:** Mr. Meyer?

16 **MR. MEYER:** No issues.

17 **THE COURT:** No issues?

18 **MR. MEYER:** No issues.

19 **THE COURT:** All right. So with that, the Court
20 appreciates that the parties have come here to address this
21 matter this morning to avoid what appears to be an avoidable
22 temporary restraining order proceeding.

23 So what I'm going to do is I'm procedurally going to
24 deny as moot the Application for a Temporary Restraining Order.
25 The basis for the mootness determination is the anticipated

1 filing of a stipulation as set forth here on the record at the
2 hearing that will be provided to the Court by close of
3 business, which means by 5:00 p.m., on the 27th of February.

4 So stipulated, Counsel?

5 **MS. OKADA:** So stipulated.

6 **THE COURT:** Mr. Meyer?

7 **MR. MEYER:** Yes, Your Honor, so stipulated.

8 **THE COURT:** All right. So with that this matter is
9 concluded and have a good weekend everyone.

10 **(Counsel thank the Court)**

11 **THE COURT:** And we are in recess.

12 **THE CLERK:** All rise.

13 **(This proceeding was adjourned at 9:51 a.m.)**

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CERTIFICATION

I certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A handwritten signature in black ink, appearing to read "Toni Hudson", is positioned above a horizontal line.

February 24, 2024

TONI HUDSON, TRANSCRIBER